

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
WELL-COM ASSOCIATES, L.P.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Docket Number 05-10056-JLT
	)	
HONEYWELL INTERNATIONAL, INC.,	)	<b>Hearing Requested</b>
	)	
Defendant.	)	
_____	)	

**EMERGENCY MOTION OF THE PLAINTIFF FOR ADDITIONAL TIME TO FILE  
OPPOSITION TO DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

The plaintiff, Well-Com Associates, L.P. (“Well-Com”), moves for an extension of time until February 13, 2006, in which to file a response to the motion of Honeywell International, Inc. (“Honeywell”) for summary judgment. As grounds for this motion, Well-Com states that its opposition is currently due on February 1, 2006. Honeywell’s motion for summary judgment raises complex issues of law concerning the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”). Well-Com requires additional time in order to research the complex CERCLA issues raised by Honeywell in order to respond to Honeywell’s motion fully and adequately and to provide this Court with case law concerning the issues raised by Honeywell.

WHEREFORE, Well-Com requests that this Court grant it an extension until February 13, 2006, in which to file an opposition to Honeywell’s motion for summary judgment.

**REQUEST FOR HEARING**

Well-Com hereby requests a hearing on its motion in the event it is deemed necessary by the Court.

**RULE 7.1(A)(2) AND CERTIFICATION**

Counsel for Well-Com hereby certifies that they have conferred with counsel for Honeywell and in good faith to resolve or narrow the issues of disagreement. Counsel for Honeywell stated that they would not grant the ten-day extension of time requested by Well-Com.

Well-Com Associates, L.P.

By its attorneys,

/s/ Matthew M. O'Leary  
A. Neil Hartzell (BBO #544752)  
Matthew M. O'Leary (BBO #652033)  
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Dated: January 27, 2006  
00975744.DOC

**CERTIFICATE OF SERVICE**

I, Matthew M. O'Leary, hereby certify that on this 27<sup>th</sup> day of January, 2006, a copy of the foregoing was served on the attorney for the defendant by electronic means pursuant to Local Rule 5.2(b).

/s/ Matthew M. O'Leary  
Matthew M. O'Leary